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7 **UNITED STATES DISTRICT COURT**  
8 **SOUTHERN DISTRICT OF CALIFORNIA**  
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10 CARL BENSON, et al.,

11 Plaintiffs,

12 v.

13 JERIMIAH BARRY, et al.,

14 Defendants.

Case No. 08cv1186-BTM (AJB)

**ORDER AFFIRMING REPORT AND  
RECOMMENDATION OF  
DISMISSAL OF PLAINTIFFS'  
ACTION**

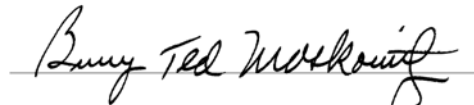
15 In a Report and Recommendation filed on January 31, 2011, Magistrate Judge  
16 Battaglia recommends that this case be dismissed with prejudice. The case was previously  
17 settled, with a settlement agreement signed and consideration paid. Judge Battaglia notes  
18 that Plaintiffs have repeatedly failed to appear at required hearings and "having received  
19 settlement consideration, are no longer attending to the requirements of the Court with  
20 regard to this case." Plaintiffs did not file any objection to this report and recommendation.

21 In light of Plaintiffs' continued inaction, the Court agrees with Judge Battaglia's  
22 recommended disposition. Therefore, the Court orders:

- 23 1. The Report and Recommendation filed on January 31, 2011 is **ADOPTED** as  
24 the decision of this Court.  
25 2. The case is **DISMISSED** with prejudice.

26 **IT IS SO ORDERED.**

27 DATED: March 14, 2011

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Honorable Barry Ted Moskowitz  
United States District Judge